prosecution will be made by the amendment of the Criminal Procedure Code. If necessary, the amendment may be made in the present Bill itself. This is however a matter which may be left to the Select Committee. For these reasons, I submit that the grounds stated by the Non-official Members are not tenable, and that the principle of the Bill may be affirmed."

Mr. Parameswaran Pillai :—

"As I said before, the principle of each of the provisions in the Bill will have to be taken up separately. The Bill contains amendments to several provisions of the Code as well as new provisions. Our objection relates to some of these provisions. With regard to the rest, we affirm the principle, and so, in regard to those provisions the principle of which we oppose, we may be permitted to vote separately."

President:—"With reference to this, what I have to say is this. Of course, in the Bill, there are some Sections to which no objection has been taken, and there may be one or two provisions to which you raise an objection. But the procedure in the Council is to affirm the principle of a Bill as a whole or not. The objections you have raised in regard to some of the provisions in the Bill may be considered by the Select Committee. I am sure that the Select Committee will go into that question. Now it is only the principle of the Bill as a whole and not with reference to each Section that could be put to vote, so that I shall put the principle of the Bill as a whole to the vote".

Mr. Velu Pillai :—"In that case, we shall have to oppose the whole Bill".

Mr. Subba Aiyar's motion was put to the vote and carried by a majority.

Mr. Subba Aiyar then moved that the Bill be referred to a Select Committee consisting of Messrs. Vieyra, Subrahmanya Aiyar, Parameswaran Pillai, Subrahmanya Pillai and the Mover to report within three months.

Seconded by Mr. Mahadeva Aiyar.

Carried.

THE CATTLE TRESPASS REGULATION AMENDMENT BILL.

Mr. Subba Aiyar, in introducing the Cattle Trespass Regulation Amendment Bill, spoke as follows :—

"Sir,

I beg to introduce a Bill to amend the Cattle Trespass Regulation. The object of the Bill is very clearly explained in the Statement of Objects and Reasons. The Members of the Council are well aware that, in pursuance of the Notification of Government, No. J. 2573, dated the 23rd March 1913, all the various Town Improvement Committees have been empowered to exercise control over the cattle pounds within their jurisdiction and that the receipts are credited to them. It is doubted whether the Notification is in strict conformity with the Regulation itself. It is to give legal validity to the above Notification that the present Bill is proposed. Some difficulty has been experienced by the designation of the fund as 'Cattle Pound Fund of the District'. Under the Regulation, the surplus fund is at the absolute disposal of Government. How the fund should be credited and how that fund should be spent will be dealt with by the Government and the Account Department. Lastly, there are other officers than the District Magistrates who exercise some control over cattle pounds, for instance, the Forest officers, Excise and the P. W. D. officers. It is thought desirable to invest the officers of these Departments with the powers of a District Magistrate. For these reasons, I beg to move that the principle of the Bill be affirmed."

Seconded by Mr. Raman Pillai.

Carried.

The Principle of the Bill having been affirmed, Mr. Subba Aiyar moved that the Bill be referred to a Select Committee consisting of Messrs. Kuriyan, Govinda Menon and the Mover, to report within one month.

Seconded by Mr. Raman Pillai.

Carried.

THE POLICE REGULATION AMENDMENT BILL.

Mr. Subba Aiyar, in introducing the Police Regulation Amendment Bill, spoke as follows:—

"Sir,

I beg to introduce a Bill to amend the Police Regulation. The Bill with its translation was published in the Gazette dated the 5th June 1917. Regulation IV of 1056 follows:

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mainly the Madras Act XXIV of 1859. In some respects, the Government of India Act V of 1861 has also been adopted. The existing Regulation was passed more than 36 years ago. Though there have been three amending Regulations since then, it is yet found to be very defective. It has therefore been thought necessary to consolidate the existing Regulations and to revise them as a whole. The amendments themselves have been printed in italics. I shall try to place before you the main provisions of the Bill and explain where necessary the reasons for the amendments that have been made.

2. The Bill is divided into seven Chapters. Chapter I deals with definitions. The expressions 'public place', 'place of public amusement', and 'place of public entertainment, have been specifically defined.

3. Chapter II relates to the organization of the Police. The constitution and the organization of the Police Force, the powers of the Commissioner and of the District Magistrate about the control of the Police Force, the power of appointment of Police officers, the deputation of additional Police and the appointment of Special Police officers are all provided for in the Chapter.

(i) The District Magistrate is the chief executive authority in the District and as such primarily responsible for the maintenance of law and order and the criminal administration of the District. Clause 5 (2) therefore lays down that the administration of the Police throughout the local jurisdiction of a District Magistrate shall, under the general control and direction of such Magistrate, be vested in a District Superintendent. In order, however, to avoid any conflict of authority between the Commissioner and the District Magistrate, sub-clause (4) provides that the District Magistrate shall in exercising authority under sub-clause (2) be governed by such rules as may be framed by the Government.

(ii) Clause (6) confers upon the Commissioner the powers of a First Class Magistrate throughout Travancore. This power is conferred upon the Inspector-General in British India and the Police Commissioner of Presidency Towns. These powers are not to be exercised by him in all cases. Under the Clause he could exercise the powers of a Magistrate subject to such limitations as may from time to time be imposed by the Government. The idea is that these powers should be exercised so far as may be necessary in the absence of a Magistrate and only for the preservation of the peace and the prevention or detection of crime or the apprehension or detention of offenders. The status of the Commissioner is a sufficient guarantee that such powers will not be abused.

(iii) Under the existing Regulation, the disciplinary powers vested in the controlling authorities are dismissal, suspension, reduction and power to fine. Under Clause 7 some more powers have been provided for, while at the same time the imposition of one or more punishments has been authorised. Under the last para of the Clause a departmental punishment is no bar to a criminal prosecution. This follows the decision reported in 17 Madras 278. In this case, Best J. observed that "the mere fact of a departmental "punishment having been awarded is not sufficient to exonerate him from liability under "Section 44" (corresponding to Section 19 of the Regulation) "though the circumstances "may be taken into consideration in passing sentence". Justice Muthuswami Aiyar concurred in the above view.

(iv) The last para of Clause 8 introduces a change in that it lays down that a Police officer shall not by reason of being suspended from office cease to be a Police officer and that he shall continue subject to the same responsibilities, discipline and penalties as if he had not been suspended. In introducing the said amendment in the Imperial Legislative Council, Sir Antony Mac Donnell observed as follows:—"Doubts have been entertained "whether by the law as it at present stands a Police officer if placed under suspension is "not *ipso facto* and so long as suspension lasts freed from his duty of obedience to his "superiors. There can be no doubt as to its being desirable that a Policeman although "under suspension should remain subject to the obligations of duty and discipline until "discharged from the service. A Policeman under suspension cannot be turned out of "barracks (if he is in barracks) while discipline in barracks must be maintained and in-"subordination or misconduct punished." From the above extract it will be seen that the amendment is a necessary and desirable one.

(v) Passing on to Clauses 9 to 17, it will be found that they embody the existing law as to the employment of additional Police Force and the appointment of Special Police officers.

4. Chapter III deals with the regulation, control and discipline of the Police Force.

(i) Clause 18 lays down the existing law contained in Section 15 of the Regulation that no Police officer shall be at liberty to resign his office or withdraw from his

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duties without permission or previous notice. In the interpretation of this Section taken along with Section 19, it was held by our High Court in a case where a Constable overstayed his leave that mere absence without leave does not constitute the offence contemplated by Section 19. Their Honours observed in Proceedings No. 111 of 1069 that "something more than mere absence is necessary to constitute the offence. There must "have been an intention to desert the post not merely to absent himself for a few days "but permanently." Later on they say:—"He may by absenting himself without leave "be liable to be punished departmentally but he cannot be convicted under Section 19 "which is a reproduction of Section 29 of the British Indian Police Act, V of 1861. It "has been held in British India that mere absence without leave is not punishable under "Section 29 of the British Indian Act (6 Cal. 625 and 6 All. 495)". After the passing of the above rulings, the British Indian Act V of 1861 was amended and we find in Section 29 of the Act "or who being absent on leave shall fail without reasonable cause to "report himself on the expiration of such leave". Thus then the British Indian rulings relied on by the High Court are no longer law. I may add that Act V of 1861 is not the law for Madras, and the Madras Act of 1859 contains the words "who shall cease to per-"form the duties of his office without leave" in Section 44 which are found in Section 19 of the Regulation. It may therefore be said that the amendment to the Imperial Act does not affect the Madras Act. But it has to be observed that even the words found in the Madras Act have been interpreted as follows by the Madras High Court in 29 Madras 192. Their Lordships say:—"We are of opinion that if a Police Constable is granted "casual leave for a limited period and does not at the end of that period resume his duties "as a Police Constable, he withdraws himself from the duties and ceases to perform the "duties of his office without leave. The intention of the Section is to render the Police "Constables liable to punishment for such neglect or breaches of duty as are not punish-"able under Section 10 of the Act such as desertion. *Prima facie* a Constable absenting "without leave is guilty of ceasing to perform his duty. The fact that he has been per-"mitted to be absent on casual leave for a time immediately anterior to his absenting "himself from duty can make no difference in his absence. At the expiry of his casual "leave he should presumably be on duty and his own omission to return to duty cannot "make his conduct less an offence than if he had returned to duty and then ceased "to perform his duty". Thus then whether we take the law as amended by the Government of India or the interpretation of the existing Section as made in 29 Madras 192, it is desirable that the meaning of the Section should be made clear. The explanation in Clause 18 is intended to serve the said purpose. It follows the amendment made in Act V of 1861. I may observe that the proviso imposing an obligation upon the superior officers to give the necessary written permission forthwith if a medical certificate of physical incapacity is produced and the explanation containing words to the effect that the overstaying in order to become punishable should be without reasonable cause are sufficient safeguards in favour of the Police officer concerned.

(ii) Clause 19 prohibits Police officers from engaging in trade or holding any office or practising any profession. The existing law on the point has been made clear. The purchase or sale of immovable property or of any interest therein within the district wherein a Police officer is employed is prohibited. This is only the rule applicable to many Government servants, but in the case of Police officers it will be also penal. The interests of discipline of the Force require it.

(iii) Clauses 20 and 21 lay down the existing law in Section 6 of the Regulation with slight modifications. The routine departmental orders which the Commissioner has to issue and the rules regulating the duties of Police officers are provided for separately.

(iv) Clause 22 does not call for any special mention.

5. Chapter IV dealing with Police regulations is mostly new.

(i) Clause 23 empowers the District Magistrate to make rules for the regulation of traffic and for preservation of order in public places. The existing law as to the regulation of traffic is indefinite and insufficient. He may also regulate the use of any place for the disposal of the dead or of any chatram or other place of public resort so as to secure the equal and appropriate application of its advantages and accommodation. He is also empowered to take steps necessary for the prevention of or checking the spread of epidemic diseases. He has no power under the existing law to regulate the places of public amusements or entertainments. With a view to prevent the obstruction, inconvenience, annoyance, risk, or danger to the residents or passengers in the neighbourhood, he is empowered to regulate the keeping of places of public amusement or entertainment and if necessary insist on licenses for the same. It has to be observed that unless rules are framed for any one of the above purposes with the previous sanction of Government, and

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they are made specially applicable, the Section may not apply to any local area. In many places there may be Town Improvement Committees who are competent to deal with some of the matters above referred to. Provision is therefore made that in respect to such matters the rule should conform to the orders made by such Committees.

(ii) Clause 24 empowers the Commissioner and other superior officers of Police to direct the conduct of processions, to prevent obstructions on the occasion of all processions and assemblies, and keep order in streets, landing places and other public places or places of public resort.

(iii) Clauses 25 to 27 deal with the powers of the Commissioner of Police. He has under these Clauses power to prohibit the carrying of swords or missiles and to prohibit any procession or assembly if it is necessary for the preservation of public peace or safety. He may also temporarily reserve any street or public place for any public purpose and prohibit persons from entering the area so reserved. He has got the power to prevent the exhibition or dissemination of pictures likely to outrage morality or decency, and lastly he may prevent the delivery of lectures if they are in his opinion likely to inflame religious animosity or hatred between different classes or to incite the commission of an offence or to a disturbance of the peace or to resistance to or contempt of the law or lawful authority. I may observe that this last provision is not introduced with the idea of interfering in any way with the freedom of speech. It will be conceded that no one ought to instigate the disturbance of public peace or to incite persons to commit an offence. It is only if the speech is likely to be for any of the purposes mentioned above, the Police Commissioner will have the power to prohibit the delivery of such speech. His action is subject to the control of the Government, and that is a sufficient guarantee that the power will not be abused.

(iv) Clause 29 deals with the enforcement of the order passed under Clauses 25 to 28. In places of public amusement or at any public assembly or meeting, if serious disorder or manifest and imminent danger to the persons assembled is apprehended, Clause 30 empowers a Police officer above the rank of a Head Constable to direct the mode of admission into such places if necessary and to secure the orderly conduct of persons assembled.

(v) Clauses 31 to 34 deal with the powers of a District Magistrate. He may under Clause 31 temporarily close or take possession of any building and may exclude all persons therefrom with a view to prevent or suppress any riot or grave disturbance of the peace. If there is a dispute about the conduct of a religious procession in any street or public place, the District Magistrate may issue the necessary order taking into consideration the apparent legal right and the established practice of the parties. Such order is liable to be set aside by a decree, injunction or order that may be passed by a Civil Court.

(vi) Clause 33 empowers a District Magistrate to discontinue the use of a house as brothel or for the purpose of habitual prostitution or by disorderly persons, if it is in the vicinity of a place of worship or an educational institution or a boarding house or hotel. Clause 34 deals with the destruction of stray dogs.

6. Chapter V deals with the executive powers and duties of the Police.

(i) The duties of Police officers are detailed in Clause 35. In addition to the duties mentioned in Section 17 of the Regulation, other duties have been specifically mentioned, such as rendering necessary assistance to disabled or helpless persons in the streets, to prevent any loss or damage by fire, to avert any accident or danger to the public, and the like. These call for no remark. Clause 36 deals with the powers that a Police officer may exercise on the occasion of a fire.

(ii) Clause 37 empowers the Police to deal with any property suspected to be stolen and in the possession of a person in a street or public place.

(iii) Under the existing law, the Police have no power to take charge of unclaimed property. Clause 38 provides for the same. Clause 42 makes it obligatory upon all persons to conform to the reasonable directions of a Police officer given in fulfilment of any of his duties under the Bill. The other Clauses in the Chapter do not call for any special mention.

7. Chapter VI deals with offences and punishments.

(i) Clauses 43 to 49 follow mainly the existing law with slight modification. Clause 50 corresponds to Section 23 of the Regulation. Additions have been made in some of the sub-clauses. The fact that it contains a long list of offences need not be regarded as a matter of any serious consequence as the Section or any part of it has to be extended to any local area before being enforced. Such sub-clauses of the Section as are

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necessary for any particular area will alone be made applicable to that area, and no portion of the Clause is likely to be extended to any out-of-the-way place. In this respect the Clause follows Section 23.

(ii) Clause 52 makes it an offence to solicit any person in a public place to immorality, and Clause 59 makes it an offence to enter or remain without lawful excuse on any ground or building belonging to the Government. The other Clauses in the Chapter do not require any special mention.

8. Chapter VII deals with miscellaneous provisions.

(i) Of these, Clause 70 requires that offences against the Regulation, when the accused person or any one of the accused persons is a Police officer, shall not be cognizable by a Magistrate below the First Class. In their Proceedings, No. J. 3250, dated the 9th July 1911, the Government have directed that all offences against Policemen of whatever rank committed by them in their official capacity should be tried by District Magistrates. This was subsequently modified by No. J. 7600, dated the 30th October 1912, that such cases may be tried by First Class Magistrates. Under Section 175 para 2 of the Criminal Procedure Code, the Government have the power to determine the person by whom and the manner in which the prosecution of public servants not removable from office without the sanction of the Government is to be conducted and to specify the Court before which the trial is to be held. So far therefore as Police officers of the above class are concerned, the Notification is quite in accordance with law. But with regard to the others, it may be doubted whether the Notification is legally valid. The present Clause is intended to give legal validity to the Notifications above referred to.

(ii) Clause 71 requires that, in the case of Police officers not removable from office without the previous sanction of the Government, the sanction of the Government is required before any such officer is prosecuted for any act done or purporting to be done in the discharge of his official duties. Section 175 of the Criminal Procedure Code which applies to all public servants not removable from office without the sanction of the Government lays down that such persons shall not be prosecuted without Government sanction when they are accused *as such public servants*. The words "*as such public servants*" have been the subject of judicial interpretation. The British Indian High Courts have laid down that sanction is necessary only in such cases where being a public servant is a necessary ingredient of the offence. So far as Travancore is concerned, 24 T. L. R. 21 extended the scope of the Section to offences which are closely connected with the exercise of the powers as a public servant. This ruling was followed by Criminal Proceedings No. 168 of 1085. In 32 T. L. R. 109 the British Indian rulings were followed. Later on it was decided in 32 T. L. R. 179 that the rulings in 24 T. L. R. 21 and Criminal Proceedings No. 168 of 1085 were correct. Owing to the difference of opinion in the last two rulings, a later case reported in 33 T. L. R. 81 was referred to a Full Bench, and it was held that 32 T. L. R. 109 laid down the correct law and that sanction was necessary only in cases where being a public servant is a necessary ingredient of the offence. The Travancore rulings above referred to were decided in cases in which the accused or at least one of the accused was a Police officer not removable from office without the sanction of the Government. It will be seen from the above cases that when a Police officer begins to investigate a serious case the persons suspected of having committed the offence or those interested in them prefer a complaint against the Police officer for wrongful arrest and wrongful confinement which under the recent ruling requires no sanction. The Legislature in enacting the provision had, in the words of Mr. Justice Cheriyan in 32 T. L. R. 179, "the object of providing a limited extent of protection to "certain class of public servants against being harassed by private individuals "for certain kinds of acts done by them, the protection being that in these "cases they could be liable to be prosecuted only with the previous sanction "of the Government." This object is likely to be frustrated by the Full Bench ruling reported in 33 T. L. R. 81. The result of allowing indiscriminate prosecutions against Police officers to be proceeded with without Government sanction will be to hold out a premium to those who are inclined to harass public servants and in particular Police officers by groundless and vexatious charges against them. Though the cases against the Police officers generally fail in such prosecutions, the investigation of offences is likely to be affected very seriously. The main grounds on which the Full Bench decision is based are considerations derived from (1) the state of the law previous to the passing of Section 175, and (2) the construction adopted by the British Indian Courts. Before Section 175 was enacted, the British Indian Section 466 of the Code of 1872 was the law here, and that Section contained the words "any act *purporting to be done by him* in the discharge of his duty", and these words were omitted in the new Code. The omission was considered to

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be very significant and the 33 T. L. R. ruling adopts it. With regard to the above two arguments it may be said that the view of the British Indian Legislature is different from the interpretation based on the change of the law and also with the current of the rulings on the subject. As observed by the learned Chief Justice in 33 T. L. R. P. 81, "it would be for the Legislature if it should take a view different from that taken by us to indicate by means of clear language that the scope of the Section is wider". This the British Indian Legislature proposes to do as will appear from the fact that in the draft amendment Bill to the corresponding British Section 197 the words 'as such public servant' are proposed to be substituted by the words 'of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duties'. The Police should have protection against prosecutions not only for alleged acts committed as a public servant but also acts alleged to be done under the colour of office. The proposed amendment in the British Indian Code has been followed in Clause 71 of the Bill as the revision of the Criminal Procedure Code is likely to take some time and as among the public servants it is the Police officers that are mainly affected by the ruling. The other Clauses in the Bill do not require any special mention.

9. I have now explained the important provisions of the Bill. The object kept in view in drafting the Bill has been to make the Police Force an efficient instrument for the prevention and detection of crime and for the maintenance of law and order.

With these words, I beg to move that the principle of the Bill be affirmed."

Seconded by Mr. Mahadeva Aiyar.

Mr. Velu Pillai :—

"I regret very much that I am not able to support the Bill as a whole, for, I find that several things are put together within its limits, some of them very advantageous to the Police Force and the country and others equally disadvantageous to all parties concerned. I cannot therefore oppose this Bill. On the other hand, I would earnestly support most of its provisions. There are however certain matters which I wish to place before this Council because they should be considered in some detail. First of all, I think that the Police are given more powers under the present Bill than under the existing law. As society advances, the Police have to be given certain additional powers and there must be certain safeguards under which they may exercise those powers. But I should consider that some safeguards which exist under the existing law have been omitted in the present Bill. I should mention that the Magisterial powers proposed to be given to the head of the Police Department is not necessary. At any rate, no necessity for it has been pointed out by the Mover. It is therefore very difficult for me to make any observation regarding the same. As a matter of principle, Policemen should not exercise Magisterial powers. I quite concede that, when those powers are exercised only by the head of the department, there may not be serious sources of hardship. All the same, it is a wrong principle and the Council has got to consider the question.

Regarding the appointment of additional Police in disturbed districts, I have to say that this provision existed in the old Regulation and there was not one instance in which it was put into operation, and if during the past several years there was no necessity to act under the Section, I do not know why we should retain it at all. I am open to correction. I do not know if actual experience has shown that it is necessary. So far as I am aware, there has not been any occasion for putting the provision into operation.

Then again, with regard to the appointment of Special Police, this Bill gives very great powers to the subordinates of the Police Department. Section 15 says that if it shall appear that any tumult, riot or outrage, has taken place or may be reasonably apprehended in any place, and that the ordinary officers appointed for preserving the peac are not sufficient for its preservation and for the protection of the inhabitants and the security of property in such place, it shall be lawful for any Police officer not below the rank of a Circle Inspector to apply to the nearest Magistrate to appoint Special Police officers. I have to point out that the wording is so plain that the Circle Inspector can practically impose a duty upon the Magistrate. The wording is quite different from that of the existing Regulation. Let us compare what obtains in other countries. Under the Special Constable Act of 1831 in England, elaborate precautions are suggested. Two Justices of the Peace must be satisfied by the examination of credible witnesses that there is an urgency for the appointment of Special Police officers. That is a very important provision beneficial to the public and not prejudicial to the Police. But in this case the Circle Inspector who is usually not a man who can exercise much of a judicial discretion and can decide whether under the circumstances of a particular case, immediate action is necessary, has got only to make the motion before a Magistrate and the wording of the Section, "unless he sees cause to the contrary", will be a Damocles' Sword over the

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Magistrate. Do not we all know how the Magistrates want to oblige the Police? But when this is the wording of the Section, the Magistrates will be tempted to oblige the Police officer without enquiring into the truth of the representations made.

I am not able to see the necessity of a provision regarding the quartering of additional Police (Sections 11 and 12). I learn that there was a custom in ancient England by which if any offence took place in a particular locality, twelve men were called forth to say what they knew of the offence. That was the origin of the Jury system, but that practice as it obtained formerly had been discontinued in England. To my mind there is no reason why an obsolete rule of the kind should be introduced into this country, where people are so peaceful and where nothing of the kind is likely to happen.

Section 26 gives power to the Police to prohibit the delivery of public harangues. It is also an elastic rule and in fact would be a repressive measure. We know that Travancore is a country where people are sober and intelligent and educated. They take a genuine interest in public questions. We have the high authority of several distinguished men who have said that there is no other State in India where people are more level-headed and moderate in their views. If the Police can put the law in motion against such a people in prohibiting meetings and preventing public speeches, public life in this country is bound to suffer greatly. The phrase "subject to the control of Our Government" is one that means very often nothing; for unless the matter is placed before the Government, the Government will not interfere. If the initiation of proceedings is made conditional upon the consent of Government being obtained in every case, that is a different matter.

Another matter which has been referred to at great length by my friend by quoting the views of eminent Judges and the present development of the law in Travancore and British India is that which relates to Section 71 requiring sanction of Government in certain cases. This Section is destined to be of great hardship to the people of Travancore. Here, in this country, the average man has got so much respect for the officials of Government that he would never think of moving the authorities against them, especially when a prosecution of a Police officer or that of a man of influence will very seldom end in conviction. The people of this country will be very careful about that. My friend could not refer to any cases in which the work of the Police was hampered under the existing law. To say that that is the case without quoting instances is of no use. Just a moment ago, my friend said that we ought to follow the law in British India. Now he urges in this particular case a different principle."

Mr. Subba Aiyar:—"Similar amendment is proposed in British India. In Sohone's Criminal Procedure Code, Section 197, you will find the proposed amendment."

Mr. Velu Pillai:—"It is *not law* in British India, if I remember correct. A proposal is different from an act. We ought to feel that the High Court also is greatly interested in the Police officers discharging their duty. They are ultimately answerable for the justice of the State and the observations of the learned Chief Justice in the case quoted by my friend are as follows:—

'On the other hand, Section 175 of the Criminal Procedure Code is so serious an encroachment on the rights of citizens to obtain redress for injuries by having recourse to the ordinary course of law and to the constituted tribunals of justice, that it would, in my opinion, be perfectly legitimate to put the strictest construction upon it, and thus to confine its operation within the narrowest bounds. It would be for the Legislature, if it should take a view different from that taken by us, to indicate by means of clear language that the scope of the Section is wider.'

"When no absolute necessity has been established, we ought not to change a law. It will look ungracious that, when the High Court pronounces one opinion, the Legislative Council should at once step in and say that the High Court is wrong in a case like this where there is so much difference of opinion.

"I do not wish to take up much of the time of this Council by going into details. There are some obvious mistakes in drafting. In Section 13, property belonging to the British Government is omitted. Why not give the protection to the property of the British Government as well?"

President:—"I do not want to prevent you from making your observations but, as you say that they are only mistakes in drafting, I think they can be rectified by the Select Committee."

Mr. Velu Pillai:—"I do not want to enter into that question now. So far as the principle of the Bill is concerned, I am against giving the Police so much power with which they would be able to harass the people of this country. They want safety, and

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every Travancorean is interested in the Policeman's safety. Only such provisions as are absolutely needed ought to be retained in the present Bill. The Sections which I have mentioned have a very mischievous tendency and it is wrong to include them in the Bill. With these observations, I would affirm the principle of the Bill. But at the same time, I would say that considerable change is required to be made therein."

Mr. Parameswaran Pillai:—"That a law for the regulation of the Police officers in Travancore is necessary can admit of no doubt, and I have great pleasure in supporting generally the principle of this measure. Of course there are various provisions in the Bill on which differences of opinion are possible and are inevitable. It is difficult to separate the principle of a measure from the details. Sometimes in a measure such as this and the one the principle of which was affirmed a little while ago, while the principle is affirmed, there may be various provisions in the Bill with which one cannot agree. I would associate myself with my friend Mr. Velu Pillai in objecting to the introduction of provisions such as those in regard to sanction of Government for the prosecution of Police officers, investing the Police Commissioner with First Class Magistrate's powers and the power to interfere with public meetings, speeches and so forth. Of course these are matters which may be dealt with at a further stage of the Bill, in the Select Committee as well as in the second reading even. I would not take the time of the Council in discussing these matters at this stage."

Mr. Subba Aiyar:—"With regard to the objections raised by Mr. Velu Pillai regarding the additional Police and the Special Police, I have to state that I have not introduced any change in the existing law. These Clauses have been bodily taken from the existing Regulation. With regard to Clause 71, I may say that the learned Chief Justice himself distinctly says that if the Legislature means to have the provision of the Regulation extended or if it is intended that the Section should have a wider scope, it is the duty of the Legislature to make the meaning clear. It is with this object that the present Clause has been introduced. The other observations of my friend Mr. Parameswaran Pillai may be considered by the Select Committee, and they do not affect the principle of the Bill. With these words, I beg to move that the principle of the Bill be affirmed."

The motion was accordingly carried.

Mr. Subba Aiyar then moved that the Bill be referred to a Select Committee consisting of Messrs. Mahadeva Aiyar, Raman Pillai, Parameswaran Pillai, Velu Pillai and the Mover, to report within three months.

Seconded by Mr. Mahadeva Aiyar.

Carried.

THE CIVIL COURTS REGULATION AMENDMENT BILL.

Mr. Subba Aiyar moved that the Civil Courts Regulation Amendment Bill be finally read and passed.

Seconded by Mr. Subrahmanya Aiyar.

Carried.

THE COPYRIGHT REGULATION AMENDMENT BILL.

Section 1, sub-section (3).

Mr. Subba Aiyar moved that the words "the 1st Chingom 1093" be added at the end of sub-section (3) of Section 1.

Seconded by Mr. Subrahmanya Aiyar.

Carried.

Section 19, sub-section (7), Clause (b).

Mr. Subba Aiyar moved that the words "Chingom 1093" be inserted after the words "first day of" in line 3 of Clause (*b*) of sub-section (7) of Section 19, and that the words "the 1st Chingom 1093" be added at the end of the same Clause.

Seconded by Mr. Rengaswamy Aiyangar.

Carried.

Section 29.

Mr. Subba Aiyar moved that the words "one year" be substituted for "six (6) Calendar months" occurring in line 2 of Section 29.

Seconded by Mr. Rengaswamy Aiyangar.

Carried.

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